

CONGRESSIONAL RECORD SUMMARY

Tuesday, November 19, 2002

PART I

SENATE

Incomplete record of Senate proceedings

Today's Senate proceedings will be continued in the next issue of the Record.

Measures Reported:

Report to accompany S. 2480, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns. (**S. Rept. No. 107-345**)

S. 1822, to amend title 5, United States Code, to allow certain catchup contributions to the Thrift Savings Plan to be made by participants age 50 or over.

Page D 1167, (See next issue.)

H.R. 5005 - Homeland Security Act:

By 90 yeas to 9 nays (Vote No. 249), Senate passed H.R. 5005, to establish the Department of Homeland Security, after taking action on the following amendments proposed thereto:

Pages S 11358-11404, D 1167, (Cont. next issue)

"...The bill would take complaints about vaccine additives out of the courts and require them to be made through what is called the Federal Vaccine Injury Compensation Program, which handles other vaccine-related claims. Incidentally, these provisions of the bill are retroactive, which would mean that a host of existing lawsuits would be interrupted, probably terminated, including claims involving the mercury-based preservative Thimerosal, which some have charged is related to autism in children. This is just plain unfair. In the past, I have supported various tort reform or liability protections for companies--certainly the ones that design and manufacture lifesaving products..." (Lieberman, page S 11360)

"...We made some changes to the Federal Tort Claims Act. Back in the 1950s, an Executive order was put forward that would provide some indemnification for companies to produce vaccines. We have a long history of that practice. Finally, in 1986, Congress created the National Vaccine Injury Compensation Program which said basically this to plaintiffs: Look, plaintiffs, you are not getting anywhere the way it is in the court system. Nobody ever gets any recovery off this because you cannot prove causation. You cannot prove your injuries were actually caused by this vaccine. So we are going to set up a separate system so you do not have to prove causation; basically a no-fault situation. If plaintiffs do not have to prove causation, on the other hand, there is some limitation to the amount of damages they can get. Instead of a special court, you go to a special master. If you do not like the results, then you can go to court. We think that is a pretty sound deal. Congress thought it was in 1986 when it passed that legislation and it was signed into law. Lawyers look at this and say: OK, we are cut out from suing in court if it has to do with a vaccine. So we will take this particular additive and say it is not really a vaccine. It is an adulterant, a pollutant in this vaccine; therefore, it is not covered by this compensation process. That is the way they got to court [] The intent was to roll these new lawsuits of the future into this compensation program, so that in the future, not only with regard to vaccines, but components of vaccines, have a new definition, a more comprehensive definition of vaccine and make that a part of the system..." (Thompson, page S 11367)

H.R. 5005 - Homeland Security Act (Cont.):

Adopted:

By 73 yeas to 26 nays (Vote No. 247), Thompson (for Gramm) Amendment No. 4901, in the nature of a substitute.

Pages S 11358, S 11371-73, D 1167

Rejected:

By 47 yeas to 52 nays (Vote No. 245), Daschle (for Lieberman) Amendment No. 4953 (to Amendment No. 4911), of a perfecting nature.

Pages S 11358-71, D 1167

Daschle (for Lieberman) Amendment No. 4911 (to Amendment No. 4901), to provide that certain provisions of the Act shall not take effect.

Pages S 11358, S 11371, D 1167

During consideration of this measure today, Senate also took the following actions:

By 69 yeas to 30 nays (Vote No. 246), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Thompson (for Gramm) Amendment No. 4901, listed above. Subsequently, the point of order, stating that additional expenditures contained in the amendment are not provided for in the budget resolution adopted in 2001 for fiscal years 2002 through 2011 and therefore in violation of section 302(f) of the Congressional Budget Act of 1974, failed.

Pages S 11372, D 1167

By 83 yeas to 16 nays (Vote No. 248), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the bill.

Pages S 11373-74, D 1168

H.J. Res. 124 - Continuing Appropriations:

By 92 yeas to 2 nays (Vote No. 253), Senate passed H.J. Res. 124, making further continuing appropriations for the fiscal year 2003, clearing the measure for the President.

Page D 1168, (See next issue.)

H.R. 3210 - Terrorism Risk Protection Act Conference Report--Cloture Motion Filed:

Pursuant to the order of November 15, 2002, a motion was entered to close further debate on the conference report on H.R. 3210, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism.

Page D 1171, (See next issue.)

H.R. 3210 - Terrorism Risk Protection Act Conference Report:

By 86 yeas to 11 nays (Vote No. 252), Senate agreed to the conference report on H.R. 3210, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism, clearing the measure for the President.

Page D 1171, (See next issue.)

During consideration of this measure today, Senate also took the following action:

By 85 yeas to 12 nays (Vote No. 251), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the conference report.

Page D 1171, (See next issue.)

Nominations Confirmed:

Senate confirmed the following nominations:

By 55 yeas 44 nays (Vote No. EX. 250), Dennis W. Shedd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit.

Page D 1171, (See next issue.)

Nominations Received:

Senate received the following nominations:

Humberto S. Garcia, of Puerto Rico, to be United States Attorney for the District of Puerto Rico for the term of four years.

Leonardo M. Rapadas, of Guam, to be United States Attorney for the District of Guam and concurrently United States Attorney for the District of Northern Mariana Islands for the term of four years.

Page D 1172, (See next issue.)

Committee Meetings for Wednesday, November 20, 2002:

_____ **Committee on the Judiciary:** @ 10:00 a.m. To hold hearings to examine an assessment of the tools needed to fight the financing of terrorism. SD-226.

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HOUSE

Committee Meetings:

Committee on Government Reform: Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations held an oversight hearing on “*Computer Security in the Federal Government: How Do the Agencies Rate?*”

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Remarks:

Homeland Security Act of 2002.

McCollum

Page E 2105

H.R. 5005 -- Creation of a Department of Homeland Security.

Maloney

Pages E 2105-6

Next SENATE MEETING: Wednesday, 10:00 a.m., November 20, 2002.

Next HOUSE MEETING: Friday, 11:00 a.m., November 22, 2002.

OLA: S. Schwarz, A. Santos